



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

EXTRAORDINARY

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GOVERNMENT OF PUDUCHERRY LAW DEPARTMENT

No. 701/2016-LD/Repub.

Puducherry, the 10th August 2016.

NOTIFICATION

The following Acts passed by the Parliament are hereby republished for general information of the public.

- The Child Labour (Prohibition and Regulation) (Amendment) Act, 2016 (Act No. 35 of 2016);
- The Indian Trusts (Amendment) Act, 2016 (Act No. 34 of 2016);
- The Lokpal and Lokayuktas (Amendment) Act, 2016 (Act No. 37 of 2016);
- The Compensatory Afforestation Fund Act, 2016 (Act No. 38 of 2016); and
- The Indian Medical Council (Amendment) Act, 2016 (Act No. 39 of 2016).

(By order)

N. MURUGAVEL,
Under Secretary to Government (Law).

**THE CHILD LABOUR (PROHIBITION AND REGULATION)
AMENDMENT ACT, 2016**
(No. 35 OF 2016)

[29th July, 2016.]

AN

ACT

further to amend the the Child Labour (Prohibition and Regulation) Act, 1986.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Child Labour (Prohibition and Regulation) Amendment Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
long title.

2. In the Child Labour (Prohibition and Regulation) Act, 1986 (hereinafter referred to as the principal Act), for the long title, the following shall be substituted, namely:—

“An Act to prohibit the engagement of children in all occupations and to prohibit the engagement of adolescents in hazardous occupations and processes and the matters connected therewith or incidental thereto.”.

Amendment
of short title.

3. In section 1 of the principal Act, in sub-section (1), for the words, brackets and figures “the Child Labour (Prohibition and Regulation) Act, 1986”, the words, brackets and figures “the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986” shall be substituted.

Amendment
of section 2.

4. In section 2 of the principal Act,—

(a) clause (i) shall be renumbered as clause (ia) thereof and before clause (ia) as so renumbered, the following clause shall be inserted, namely:—

‘(i) “adolescent” means a person who has completed his fourteenth year of age but has not completed his eighteenth year;’;

(b) for clause (ii), the following clause shall be substituted, namely:—

‘(ii) “child” means a person who has not completed his fourteenth year of age or such age as may be specified in the Right of Children to Free and Compulsory Education Act, 2009, whichever is more;’.

Substitution
of new
section for
section 3.

5. For section 3 of the principal Act, the following section shall be substituted, namely:—

Prohibition of
employment
of children in
any occupa-
tion and
process.

“3. (1) No child shall be employed or permitted to work in any occupation or process.

(2) Nothing in sub-section (1) shall apply where the child,—

(a) helps his family or family enterprise, which is other than any hazardous occupations or processes set forth in the Schedule, after his school hours or during vacations;

(b) works as an artist in an audio-visual entertainment industry, including advertisement, films, television serials or any such other entertainment or sports activities except the circus, subject to such conditions and safety measures, as may be prescribed:

Provided that no such work under this clause shall effect the school education of the child.

61 of 1986.

61 of 1986.

35 of 2009.

Explanation.—For the purposes of this section, the expression,

(a) “family” in relation to a child, means his mother, father, brother, sister and father’s sister and brother and mother’s sister and brother;

(b) “family enterprise” means any work, profession, manufacture or business which is performed by the members of the family with the engagement of other persons;

(c) “artist” means a child who performs or practices any work as a hobby or profession directly involving him as an actor, singer, sports person or in such other activity as may be prescribed relating to the entertainment or sports activities falling under clause (b) of sub-section (2).”.

6. After section 3 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 3A.

“3A. No adolescent shall be employed or permitted to work in any of the hazardous occupations or processes set forth in the Schedule:

Prohibition of employment of adolescents in certain hazardous occupations and processes.

Provided that the Central Government may, by notification, specify the nature of the non-hazardous work to which an adolescent may be permitted to work under this Act.”.

7. In section 4 of the principal Act, for the words “add any occupation or process to the Schedule”, the words “add to, or, omit from, the Schedule any hazardous occupation or process” shall be substituted.

Amendment of section 4.

8. In section 5 of the principal Act,—

Amendment of section 5.

(i) in the marginal heading, for the words “Child Labour Technical Advisory Committee”, the words “Technical Advisory Committee” shall be substituted;

(ii) in sub-section (1), for the words “Child Labour Technical Advisory Committee”, the words “Technical Advisory Committee” shall be substituted.

9. In the heading of Part III of the principal Act, for “CHILDREN” substitute “ADOLESCENTS.”.

Amendment of Part III.

10. In section 6 of the principal Act, for the word and figure “section 3”, the word, figure and letter “section 3A” shall be substituted.

Amendment of section 6.

11. In section 7 of the principal Act, for the word “child”, wherever it occurs, the word “adolescent” shall be substituted.

Amendment of section 7.

12. In section 8 of the principal Act, for the word “child”, the word “adolescent” shall be substituted.

Amendment of section 8.

13. In section 9 of the principal Act, for the word “child”, at both the places, where it occurs, the word “adolescent” shall be substituted.

Amendment of section 9.

14. In section 10 of the principal Act, for the word “child”, at both the places, where it occurs, the word “adolescent” shall be substituted.

Amendment of section 10.

15. In section 11 of the principal Act,—

Amendment of section 11.

(a) for the word “children”, the word “adolescent” shall be substituted.

(b) for the word “child”, wherever it occurs the word “adolescent” shall be substituted.

Amendment of
section 12.

16. In section 12 of the principal Act,—

(a) in the marginal heading, for the words and figures “sections 3 and 14” the words, figures and letter “sections 3A and 14” shall be substituted;

(b) for the words and figures “sections 3 and 14”, the words, figures and letter “sections 3A and 14” shall be substituted.

Amendment of
section 13.

17. In section 13 of the principal Act, for the word “children”, wherever it occurs, the word “adolescent” shall be substituted.

Amendment of
section 14.

18. In section 14 of the principal Act,—

(a) for sub-section (1), the following sub-sections shall be substituted, namely:—

“(1) Whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years, or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with both:

Provided that the parents or guardians of such children shall not be punished unless they permit such child for commercial purposes in contravention of the provisions of section 3.

(1A) Whoever employs any adolescent or permits any adolescent to work in contravention of the provisions of section 3A shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees, or with both:

Provided that the parents or guardians of such adolescent shall not be punished unless they permit such adolescent to work in contravention of the provisions of section 3A.

(1B) Notwithstanding anything contained in sub-sections (1) and (1A) the parents or guardians of any child or adolescent referred to in section 3 or section 3A, shall not be liable for punishment, in case of the first offence.”.

(b) for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) Whoever, having been convicted of an offence under section 3 or section 3A commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years.

(2A) Notwithstanding anything contained in sub-section (2), the parents or guardian having been convicted of an offence under section 3 or section 3A, commits a like offence afterwards, he shall be punishable with a fine which may extend to ten thousand rupees.”.

(c) clauses (a), (b) and (c) of sub-section (3) shall be omitted.

Insertion of
new sections
14A, 14B,
14C and 14D.

19. After section 14 of the principal Act, the following sections shall be inserted, namely:—

Offences to be
Cognizable.

“14A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence committed by an employer and punishable under section 3 or section 3A shall be cognizable.

14B. (1) The appropriate Government shall constitute a Fund in every district or for two or more districts to be called the Child and Adolescent Labour Rehabilitation Fund to which the amount of the fine realized from the employer of the child and adolescent, within the jurisdiction of such district or districts, shall be credited.

Child and Adolescent Labour Rehabilitation Fund.

(2) The appropriate Government shall credit an amount of fifteen thousand rupees to the Fund for each child or adolescent for whom the fine amount has been credited under sub-section (1).

(3) The amount credited to the Fund under sub-sections (1) and (2) shall be deposited in such banks or invested in such manner, as the appropriate Government may decide.

(4) The amount deposited or invested, as the case may be under sub-section (3), and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited, in such manner as may be prescribed.

Explanation:— For the purposes of appropriate Government, the Central Government shall include the Administrator or the Lieutenant Governor of a Union territory under article 239A of the Constitution.

14C. The child or adolescent, who is employed in contravention of the provisions of this Act and rescued, shall be rehabilitated in accordance with the laws for the time being in force.

Rehabilitation of rescued child or adolescent.

14D. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the District Magistrate may, on the application of the accused person, compound any offence committed for the first time by him, under sub-section (3) of section 14 or any offence committed by an accused person being parent or a guardian, in such manner and on payment of such amount to the appropriate Government, as may be prescribed.

Compounding of offences.

(2) If the accused fails to pay such amount for composition of the offence, then, the proceedings shall be continued against such person in accordance with the provisions of this Act.

(3) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(4) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought in writing, to the notice of the Court in which the prosecution is pending and on the approval of the composition of the offence being given, the person against whom the offence is so compounded, shall be discharged."

20. After section 17, the following sections shall be inserted, namely:—

Insertion of new sections 17A and 17B.

"17A. The appropriate Government may confer such powers and impose such duties on a District Magistrate as may be necessary, to ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer as may be prescribed.

District Magistrate to implement the provisions.

Inspection and monitoring.

17B. The appropriate Government shall make or cause to be made periodic inspection of the places at which the employment of children is prohibited and hazardous occupations or processes are carried out at such intervals as it thinks fit, and monitor the issues, relating to the provisions of this Act.”.

Amendment of section 18.

21. In section 18 of the principal Act, in sub-section (2),—

(i) clause (a) shall be relettered as clause (b) thereof and before clause (b), as so relettered, the following clause shall be inserted, namely:—

(a) the conditions and the safety measures under clause (b) of sub-section (2) and other activities under clause (b) to *Explanation* of sub-section (2) of section 3;

(ii) in clause (b), as so relettered, for the words "Child Labour Technical Advisory Committee", the words "Technical Advisory Committee" shall be substituted.

(iii) clauses (b), (c) and (d) shall be relettered as clauses (c), (d) and (e) thereof and in clause (c) as so relettered, for the word "child", the word "adolescent" shall be substituted;

(iv) after clause (e), as so relettered, the following clauses shall be inserted, namely:—

"(f) the manner of payment of amount to the child or adolescent under sub-section (4) of section 14B;

(g) the manner of composition of the offence and payment of amount to the appropriate Government under sub-section (1) of section 14D;

(h) the powers to be exercised and the duties to be performed by the officer specified and the local limits within which such powers or duties shall be carried out under section 17A.”.

Substitution of new Schedule for the Schedule.

22. In the principal Act, for the Schedule, the following Schedule shall be substituted, namely:—

“THE SCHEDULE

(See section 3A)

(1) Mines.

(2) Inflammable substances or explosives.

(3) Hazardous process.

Explanation.—For the purposes of this Schedule, “hazardous process” has the meaning assigned to it in clause (cb) of the Factories Act, 1948.”.

THE INDIAN TRUSTS (AMENDMENT) ACT, 2016

(No. 34 OF 2016)

[26th July, 2016.]

AN

ACT

further to amend the the Indian Trusts Act, 1882.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Trusts (Amendment) Act, 2016.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 of 1882.

2. For section 20 of the Indian Trusts Act, 1882 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

Substitution
of new
section for
section 20.

‘20. Where the trust-property consists of money and cannot be applied immediately or at an early date to the purposes of the trust, the trustee shall, subject to any direction contained in the instrument of trust, invest the money in any of the securities or class of securities expressly authorised by the instrument of trust or as specified by the Central Government, by notification in the Official Gazette:

Investment
of trust-
money.

Provided that where there is a person competent to contract and entitled in possession to receive the income of the trust-property for his life, or for any greater estate, no investment in any of the securities or class of securities mentioned above shall be made without his consent in writing.

Explanation.—For the purposes of this section, the expression “securities” shall have the same meaning as assigned to it in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956.’

42 of 1956.

3. In section 20A of the principal Act, in sub-section (1), the proviso shall be omitted.

Amendment of
section 20A.

CORRIGENDA

In the FINANCE ACT, 2016 (28 of 2016) as published in the Gazette of India, Extraordinary, Part II, Section I, Issue No. 32, dated the 14th May, 2016,—

Page No.	Line(s) No.	For	Read
55	26	“or inposable”	“or imposable”
86	31	“section 45ZL”	“section 45ZI”
88	41	-	“Appellate Tribunal.”
(in the marginal heading against 68N.)			

THE LOKPAL AND LOKAYUKTAS (AMENDMENT) ACT, 2016

(No. 37 OF 2016)

[29th July, 2016.]

AN

ACT

to amend the Lokpal and Lokayuktas Act, 2013.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Lokpal and Lokayuktas (Amendment) Act, 2016.

(2) It shall be deemed to have come into force on the 16th day of January, 2014.

Amendment of section 44.

2. On and from the date of commencement of the Lokpal and Lokayuktas Act, 2013 (hereinafter referred to as the principal Act), for section 44, the following section shall be substituted, and shall be deemed to have been substituted, namely:—

Declaration of assets.

"44. On and from the date of commencement of this Act, every public servant shall make a declaration of his assets and liabilities in such form and manner as may be prescribed."

Amendment of section 59.

3. On and from the date of commencement of the principal Act, in section 59, in sub-section (2), for clause (k), the following clause shall be substituted, and shall be deemed to have been substituted, namely:—

"(k) the form and manner of declaration of assets and liabilities by public servants under section 44:

Provided that the rules may be made under this clause retrospectively from the date on which the provisions of this Act came into force;"

THE COMPENSATORY AFFORESTATION FUND ACT, 2016

(No. 38 OF 2016)

[3rd August, 2016.]

AN

ACT

to provide for the establishment of funds under the public accounts of India and the public accounts of each State and crediting thereto the monies received from the user agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value and all other amounts recovered from such agencies under the Forest (Conservation) Act, 1980; constitution of an authority at national level and at each of the State and Union territory Administration for administration of the funds and to utilise the monies so collected for undertaking artificial regeneration (plantations), assisted natural regeneration, protection of forests, forest related infrastructure development, Green India Programme, wildlife protection and other related activities and for matters connected therewith or incidental thereto.

WHEREAS the Supreme Court in its order in T.N. Godavarman Thirumulpad vs. Union of India and Others [Writ Petition (Civil) No. 202 of 1995], dated the 30th October, 2002, observed that a Compensatory Afforestation Fund be created in which all the monies received from the user agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value of the diverted forest land or catchment area treatment plan shall be deposited;

35 of 1972.

AND WHEREAS it had also been observed that the money received from the user agencies in cases where forest land diverted falls within protected areas, that is, the areas notified under the Wild Life (Protection) Act, 1972 for undertaking activities related to protection of biodiversity or wildlife shall also be deposited in the Fund;

AND WHEREAS the Supreme Court has directed that, besides artificial regeneration (Plantations), the Fund shall also be utilised for undertaking assisted natural regeneration, protection of forests, infrastructure development, wildlife protection and other related activities and an independent system of concurrent monitoring and evaluation should be evolved and implemented through the Compensatory Afforestation Fund to ensure effective and proper utilisation of funds;

AND WHEREAS the Supreme Court in its judgment dated 26th September, 2005 in the said Writ Petition observed that the Fund generated for protecting ecology and providing regeneration should not be treated as a Fund under article 266 and article 283 of the Constitution;

AND WHEREAS in its direction dated the 5th May, 2006, the Supreme Court had directed that since the Government has not constituted a Compensatory Afforestation Fund Management and Planning Authority (hereinafter referred to as Authority), an *ad hoc* Authority should be constituted till the Compensatory Afforestation Fund Management and Planning Authority becomes operational and directed to centrally pool the money recovered on behalf of the said Authority lying in the States and Union territories into the *ad hoc* Compensatory Afforestation Fund Management and Planning Authority;

AND WHEREAS Central Government formulated guidelines dated the 2nd July, 2009 on the subject of State Authority for utilisation of funds lying with the *ad hoc* Authority;

AND WHEREAS in its direction dated the 10th July, 2009, the Supreme Court had directed that the guidelines and structure of the State Authority prepared by the Central Government may be notified and implemented;

AND WHEREAS in its directions dated the 10th July, 2009, the Supreme Court further directed that till an alternative system is put in place, after obtaining permission from the Supreme Court, the money towards compensatory afforestation, net present value and protected areas (national parks, wildlife sanctuaries) shall continue to be deposited in the *ad hoc* Authority;

AND WHEREAS in compliance of the directions of the Supreme Court including its order dated the 5th May, 2006, over rupees thirty eight thousand crores as collected by the State Governments and Union territory Administrations have been placed under the *ad hoc* Authority, and deposited in the nationalised banks;

AND WHEREAS absence of permanent institutional mechanism for utilisation of funds collected by the State Governments and Union territory Administrations is the main reason for accumulation of huge unspent funds in the *ad hoc* Authority;

NOW, THEREFORE, based on the above orders, directions and observations of the Supreme Court to ensure safety, security and expeditious utilisation in a transparent manner of funds accumulated with the *ad hoc* Authority and the funds to be collected by the State Governments and Union territory Administrations, it is proposed to create a National Compensatory Afforestation Fund and a National Compensatory Afforestation Fund Management and Planning Authority at the national level, and a State Compensatory Afforestation Fund and a State Compensatory Afforestation Fund Management and Planning Authority in each State and Union territory, by an Act of Parliament.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Compensatory Afforestation Fund Act, 2016.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) Save as otherwise provided in this Act, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “*ad hoc* Authority” means the *ad hoc* Compensatory Afforestation Fund Management and Planning Authority constituted under the order dated the 5th May, 2006 of the Supreme Court in T.N. Godavarman Thirumulpad vs. Union of India and Others, [Writ Petition (Civil) No. 202 of 1995];

(b) “Chairperson, National Authority” means the Chairperson of the governing body of the National Authority;

(c) “Chairperson, State Authority” means the Chairperson of the governing body of the State Authority;

(d) “compensatory afforestation” means afforestation done in lieu of the diversion of forest land for non-forestry use under the Forest (Conservation) Act, 1980;

69 of 1980.

(e) “environmental services” includes—

(i) provision of goods such as wood, non-timber forest products, fuel, fodder, water and provision of services such as grazing, tourism, wildlife protection and life support;

(ii) regulating services such as flood moderation, carbon sequestration and health of soil, air and water regimes;

(iii) supporting such other services necessary for the production of ecosystem services, biodiversity, nutrient cycling and primary production including pollination and seed dispersal;

(f) “Head of the regional office” means the senior-most officer appointed by the Central Government at regional office to deal with the forest conservation matters under the Forest (Conservation) Act, 1980;

69 of 1980.

(g) “monitoring group” means a group of experts to monitor the activities undertaken from amounts released from the National Fund and State Fund constituted under sub-section (3) of section 9;

(h) “National Authority” means National Compensatory Afforestation Fund Management and Planning Authority constituted under section 8;

(i) “National Fund” means the National Compensatory Afforestation Fund established under sub-section (1) of section 3;

(j) “net present value” means the quantification of the environmental services provided for the forest area diverted for non-forestry uses, as may be determined by an expert committee appointed by the Central Government from time to time in this regard;

(k) “penal compensatory afforestation” means afforestation work to be undertaken over and above the compensatory afforestation specified in the guidelines issued under the Forest (Conservation) Act, 1980, in lieu of the extent of area over which non-forestry activities have been carried out without obtaining prior approval of the competent authority under the Forest (Conservation) Act, 1980;

69 of 1980.

(l) "prescribed" means prescribed by rules made by the Central Government in consultation with the State Governments under this Act;

(m) "State Authority" means the State Compensatory Afforestation Fund Management and Planning Authority constituted under section 10;

(n) "State Fund" means the State Compensatory Afforestation Fund established by each State under sub-section (1) of section 4;

(o) "State Government" includes Union territory Administration;

(p) "user agency" means any person, organisation or company or department of the Central Government or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the provisions contained in the Forest (Conservation) Act, 1980 and the rules made and guidelines issued, thereunder.

69 of 1980.

CHAPTER II

ESTABLISHMENT, MANAGEMENT AND UTILISATION OF NATIONAL COMPENSATORY AFFORESTATION FUND AND STATE COMPENSATORY AFFORESTATION FUNDS

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a special Fund to be called the "National Compensatory Afforestation Fund" under the public account of India.

Establishment of National Fund.

(2) The National Fund shall be under the control of the Central Government and managed by the National Authority in such manner as may be prescribed.

(3) On the date of establishment of the National Fund, all monies collected by the State Governments and Union territory Administrations which has been placed under the *ad hoc* Authority and deposited in the nationalised banks shall be transferred to the National Fund.

(4) There shall also be credited into the National Fund, by each State on yearly basis, ten per cent. of the funds realised from the user agencies in respect of the forest land diverted in their favour, which have been credited directly into the State Fund.

(5) There shall also be credited to the National Fund—

(a) grants-in-aid received, if any, by the National Authority;

(b) any loan taken or any borrowings made by the National Authority;

(c) any other sums received by the National Authority by way of benefaction, gift or donations.

(6) The monies received in the National Fund shall be an interest bearing fund under public accounts of India.

(7) The balance in the National Fund shall be non-lapsable and get interest as per the rate declared by the Central Government on year to year basis.

4. (1) With effect from such date as each State Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a special Fund to be called the "State Compensatory Afforestation Fund-..... (name of State)" under public accounts of such State:

Establishment of State Fund.

Provided that in case of Union territory having no legislature, such fund shall be established under the public account of Union of India with effect from such date as the Union territory Administration may, by notification in the Official Gazette, appoint in this behalf.

(2) The State Fund in each State shall be under the control of the State Government of such State and managed by the State Authority of such State, in such manner as may be prescribed.

(3) There shall be credited into the State Fund of a State—

(i) the unspent balance of all monies which has been transferred by *ad hoc* Authority to the State Compensatory Afforestation Compensatory Afforestation Funds

Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009;

(ii) all monies transferable from the National Fund under clause (a) of section 5;

(iii) all monies realised from user agencies by such State towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value, catchment area treatment plan or any money for compliance of conditions stipulated by the Central Government while according approval under the provisions of the Forest (Conservation) Act, 1980; and

69 of 1980.

(iv) the funds recoverable from user agencies by such State in cases where forest land diverted falls within the protected areas, that is, areas notified under sections 18, 26A or 35 of the Wild Life (Protection) Act, 1972 for undertaking activities relating to the protection of biodiversity and wildlife.

53 of 1972.

(4) A State Government may also credit to the State Fund constituted by it—

(i) grants-in-aid received, if any, by the State Authority;

(ii) any loan taken or any borrowings made by the State Authority;

(iii) any other sums received by the State Authority by way of benefaction, gift or donations.

(5) The monies received in the State Fund shall be an interest bearing fund under public accounts.

(6) The balance in each State Fund shall be non-lapsable and get interest as per the rate declared by the Central Government on year to year basis.

Disbursement and utilisation of National Fund.

5. Save as otherwise provided in this Act, the monies available in the National Fund shall be disbursed and utilised in the following manner, namely:—

(a) ninety per cent. of the all monies collected by a State, which has been placed under the *ad hoc* Authority and the interest accrued thereon, shall be transferred to the State Fund established in such state under sub-section (1) of section 4;

(b) the balance ten per cent. of all monies collected by the States and Union territory Administrations, which has been placed under the *ad hoc* Authority and the interest accrued thereon, and all fresh accrual to the National Fund, as provided in sub-section (4) of section 3, and the interest accrued thereon, shall be utilised for meeting—

(i) the non-recurring and recurring expenditure for the management of the National Authority including the salary and allowances payable to its officers and other employees;

(ii) the expenditure incurred on monitoring and evaluation of works executed by the National Authority and each State Authority;

(iii) the expenditure incurred on specific schemes approved by governing body of the National Authority.

Explanation.—For the purposes of this section, “scheme” includes any institute, society, centre of excellence in the field of forest and wildlife, pilot schemes, standardisation of codes and guidelines and such other related activities for the forestry and wildlife sector.

Disbursement and utilisation of State Fund.

6. Save as otherwise provided in this Act, the monies available in a State Fund shall be disbursed and utilised in the following manner, namely:—

(a) the money received for compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, catchment area treatment plan and

69 of 1980. for any other site specific scheme may be used as per site-specific schemes submitted by the State along with the approved proposals for diversion of forest land under the Forest (Conservation) Act, 1980;

(b) the monies received towards net present value and penal net present value shall be used for artificial regeneration (plantation), assisted natural regeneration, forest management, forest protection, forest and wildlife related infrastructure development, wildlife protection and management, supply of wood and other forest produce saving devices and other allied activities in the manner as may be prescribed;

(c) the interest accrued on funds available in a State Fund and the interest accrued on all monies collected by the State Governments, which has been placed under the *ad hoc* Authority and deposited in the nationalised banks, in compliance of the directions of the Supreme Court dated the 5th May, 2006, shall be used for conservation and development of forest and wildlife in the manner as may be prescribed;

35 of 1972. (d) all monies realised from the user agencies in accordance with the decision taken by the Standing Committee of the National Board for Wild Life constituted under section 5A of the Wild Life (Protection) Act, 1972 or the orders of the Supreme Court involving cases of diversion of forest land in protected areas shall form the corpus and the income therefrom shall be used exclusively for undertaking protection and conservation activities in protected areas of the State including facilitating voluntary relocation from such protected areas and in exceptional circumstance, a part of the corpus may also be used subject to prior approval of the National Authority;

(e) ten per cent. of amount realised from the user agencies, which has been credited directly into the State Fund in a year shall be transferred to the National Fund to meet expenditure as provided in clause (b) of section 5;

(f) the non-recurring and recurring expenditure for the management of a State Authority including the salary and allowances payable to its officers and other employees may be met from a part of the interest accrued on the amounts available in the State Fund, in the manner as may be prescribed;

(g) in case of trans-boundary forestry or environmental implication of diversion of forest land for non-forest purposes in a particular State, if found expedient and necessary by the National Authority, it may, in consultation with the concerned State Authorities order that such sum as may be justified for reparation of the trans-boundary effects, be transferred to State Fund of such State or States;

(h) State Authority shall release monies to agencies identified for execution of activities in pre-determined installments as per the annual plan of operation finalised by steering committee of such State Authority and executive committee of the National Authority.

7. The accounting procedure to regulate the manner of crediting the monies to the National Fund and State Fund in a year shall be in such manner as may be prescribed.

Accounting procedure.

CHAPTER III

CONSTITUTION OF NATIONAL AUTHORITY AND STATE AUTHORITIES

8. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be constituted a National Authority to be called the "National Compensatory Afforestation Fund Management and Planning Authority".

Constitution of National Authority.

(2) The National Authority shall manage and utilise the National Fund for the purposes of this Act.

(3) The National Authority shall consist of a governing body and shall be assisted by an executive committee, monitoring group and administrative support mechanism.

(4) The governing body of the National Authority shall consist of the following, namely:—

(i) Minister for Environment, Forest and Climate Change, Government of India—Chairperson, *ex officio*;

(ii) Secretaries of Ministries dealing with Environment, Forest, Climate Change, Finance (Expenditure), Rural Development, Land Resources, Agriculture, Panchayati Raj, Tribal Development, Science, Technology, Space and Earth Sciences and Chief Executive Officer, National Institution for Transforming India Ayog, Government of India—Members, *ex officio*;

(iii) Director General of Forests and Special Secretary, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(iv) Additional Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(v) Additional Director General of Forests (Wildlife), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(vi) Mission Director, National Mission for a Green India, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(vii) Financial Adviser, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(viii) five Principal Chief Conservator of Forests, not more than one from each of the ten regions, to be nominated by the Ministry of Environment, Forest and Climate Change, Government of India on rotation basis for a period of two years, at a time—Members, *ex officio*;

(ix) Inspector General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(x) five experts, one each from environmentalists, conservationists, scientists, economists, and social scientists appointed by the Central Government for a period of two years subject to not more than two consecutive terms—Members.

(5) The Central Government may appoint an officer of the rank of an Additional Director General of Forests as the Chief Executive Officer of the National Authority who shall be the Member- Secretary of the governing body and the executive committee of the National Authority.

Executive
Committee and
Monitoring Group
of National
Authority.

9. (1) The governing body of the National Authority shall, in performance of its functions and powers under the Act, be assisted by the executive committee and the monitoring group.

(2) The executive committee of the National Authority shall consist of the following, namely:—

(i) Director General of Forests and Special Secretary, Ministry of Environment, Forest and Climate Change, Government of India—Chairperson, *ex officio*;

(ii) Additional Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(iii) Additional Director General of Forests (Wildlife), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(iv) Mission Director, National Mission for a Green India, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(v) Financial Adviser, Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(vi) Head of all regional offices of the Ministry of Environment, Forest and Climate Change, Government of India—Members, *ex officio*;

(vii) Inspector General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change, Government of India—Member, *ex officio*;

(viii) a professional ecologist, not being from the Central Government, to be appointed by the Central Government—Member;

(ix) three experts, one each in the fields of forestry, tribal development, forest economy development, not being from the Central Government, to be appointed by the Central Government—Members;

(x) Chief Executive Officer of the National Authority—Member-Secretary.

(3) The monitoring group shall consist of six experts in the field of environment, economics, wildlife, forest, remote sensing and geographical information system and social sector and the Director General, Forest Survey of India, Ministry of Environment, Forest and Climate Change, Government of India.

(4) The following officers shall be appointed by the National Authority for a period not exceeding five years, to assist the executive committee in performance of its functions and powers under the Act, namely:—

(i) Joint Chief Executive Officer of the rank of Inspector General of Forests;

(ii) Financial Advisor and Chief Accounts Officer of the rank of Director in the Government of India; and

(iii) Deputy Chief Executive Officers of the rank of Deputy Inspector General of Forests.

(5) The governing body of the National Authority may with the prior concurrence of the Central Government create posts in the National Authority at the level of Assistant Inspector General of Forests and other officials to assist the executive committee and monitoring group in performance of its functions under the Act.

10. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be constituted a State Authority to be called the "State Compensatory Afforestation Fund Management and Planning Authority" in each State.

Constitution of
State Authority.

(2) The Central Government may, if so desires, appoint different dates for constitution of State Authority in each of the States.

(3) The State Authority constituted in a State shall be responsible for the management of the State Fund of such State and its utilisation for the purposes of the Act.

(4) The State Authority shall consist of a governing body and shall be assisted by a steering committee and an executive committee.

(5) The governing body of a State Authority shall consist of the following, namely:—

(i) Chief Minister of the State and in case of a Union territory having no legislature, the Lieutenant Governor or the Administrator, as the case may be—Chairperson, *ex officio*;

(ii) Minister of Forests—Member, *ex officio*;

(iii) Chief Secretary—Member, *ex officio*;

(iv) Principal Secretaries of the Departments dealing with Environment, Finance, Planning, Rural Development, Revenue, Agriculture, Tribal Development, Panchayati Raj, Science and Technology—Members, *ex officio*;

(v) Principal Chief Conservator of Forests (Head of Forest Force)—Member, *ex officio*;

(vi) Chief Wildlife Warden—Member, *ex officio*;

(6) Principal Secretary in-charge of the Forest Department in a State shall be Member Secretary of the State Authority in such State.

(7) The State Government shall appoint an officer of the rank not below the rank of a Chief Conservator of Forests as the Chief Executive Officer of the State Authority who shall be the Member-Secretary of the steering committee and the executive committee of the State Authority.

Steering
Committee and
Executive
Committee of
State Authority.

11. (1) The governing body of the State Authority shall, in performance of its functions and powers under the Act, be assisted by the steering committee and the executive committee.

(2) The steering committee of a State Authority shall consist of the following, namely:—

- (i) Chief Secretary—Chairperson, *ex officio*;
- (ii) Principal Secretaries of the Departments dealing with Forests, Environment, Finance, Planning, Rural Development, Revenue, Agriculture, Tribal Development, Panchayati Raj, Science and Technology—Members, *ex officio*;
- (iii) Principal Chief Conservator of Forests (Head of Forest Force)—Member, *ex officio*;
- (iv) Chief Wildlife Warden—Member, *ex officio*;
- (v) Nodal Officer, the Forest (Conservation) Act, 1980—Member, *ex officio*;
- (vi) Head of the concerned regional office of the Ministry of Environment, Forest and Climate Change—Member, *ex officio*;
- (vii) Nodal Officer, State Forest Development Agency—Member, *ex officio*;
- (viii) an expert on tribal matters or a representative of tribal communities to be appointed by the State Government—Member;
- (ix) Chief Executive Officer, State Authority—Member-Secretary.

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(3) The executive committee of a State Authority shall consist of the following, namely:—

- (i) Principal Chief Conservator of Forests (Head of Forest Force)—Chairperson, *ex officio*;
- (ii) Chief Wildlife Warden—Member, *ex officio*;
- (iii) an officer not below the rank of a Chief Conservator of Forests dealing with forest and wildlife related schemes—Member, *ex officio*;
- (iv) an officer not below the rank of a Chief Conservator of Forests dealing with forestry research—Member, *ex officio*;
- (v) Nodal Officer, State Forest Development Agency—Member, *ex officio*;
- (vi) a representative each of the Departments dealing with Environment, Finance, Planning, Rural Development, Revenue, Agriculture, Tribal Development, Panchayati Raj, Science and Technology—Members, *ex officio*;
- (vii) Financial Controller or Financial Adviser, to be nominated by the Finance Department—Member, *ex officio*;
- (viii) two eminent non- government organisations to be appointed by the State Government—Members;
- (ix) two representatives of district level Panchayati Raj Institutions to be appointed by the State Government—Members;
- (x) an expert on tribal matters or a representative of tribal community to be appointed by the State Government—Member;
- (xi) Chief Executive Officer, State Authority—Member-Secretary.

(4) The State Authority may appoint the following officers for a period not exceeding five years, to assist the steering committee and executive committee in performance of its functions under the Act, namely:—

(i) Joint Chief Executive Officer of the rank not below the rank of a Conservator of Forests;

(ii) Financial Advisor and Chief Accounts Officer of the rank not below the rank of a Deputy Secretary in the State Government;

(iii) Deputy Chief Executive Officer of the rank not below the rank of a Deputy Conservator of Forests.

(5) The governing body of the State Authority may with the prior concurrence of the State Government create posts in the State Authority at the level of Assistant Conservator of Forests and other officials to assist the steering committee and executive committee in performance of its functions under the Act.

12. Save as otherwise provided in this Act, the terms of office and other conditions of the service of the members of the National Authority, executive committee, monitoring group, Chief Executive Officer and officials appointed by the National Authority, members of State Authority, steering committee and executive committee of each State Authority shall be such as may be prescribed.

Term of office and conditions of service of members.

13. A person shall be disqualified for being appointed as a member of the National Authority, executive committee of the National Authority, a State Authority, steering committee and executive committee of a State Authority, monitoring group, if he—

Disqualifications.

(i) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(ii) is an undischarged insolvent; or

(iii) is of unsound mind and stands so declared by the competent court; or

(iv) has been removed or dismissed from the service of the Government or organisation or undertaking owned by the Government; or

(v) has, in the opinion of the Central Government, such financial or other interest in the National Authority or the concerned State Authority as is likely to affect the duties discharged by him of his function as a member.

CHAPTER IV

POWERS AND FUNCTIONS OF NATIONAL AUTHORITY AND STATE AUTHORITIES

14. (1) The governing body of the National Authority shall—

Powers and functions of National Authority.

(i) formulate broad policy framework for functioning of the National Authority and State Authorities as may be notified by the Central Government;

(ii) approve the annual report and audited accounts of the National Authority;

(iii) review reports on decision taken by executive committee and monitoring group of the National Authority including investment decisions;

(iv) approve the proposal for the schemes specified in sub-clause (iii) of clause (b) of section 5;

(v) approve the proposals for creation of posts in the National Authority, subject to prior permission of the Central Government;

(vi) provide a mechanism to State Authorities to resolve issues of inter-State or Centre-State character;

(vii) formulate such procedures for delegation of financial and administrative powers to the National Authority and State Authorities as may be notified by the Central Government.

(2) The governing body of the National Authority shall meet at least once in six months.

(3) The governing body and executive committee of the National Authority and the monitoring group of the National Authority shall meet at such places and shall observe such rules and procedures in regard to transaction of business at its meeting, including the quorum thereat, as may be prescribed.

Powers and
functions of
Executive
Committee of
National Authority.

15. (1) The executive committee of the National Authority shall—

(i) approve within three months from the date of receipt, annual plan of operations of State Authorities, with such amendments as it deems fit and proper;

(ii) formulate proposals for schemes specified in sub-clause (iii) of clause (b) of section 5;

(iii) execute schemes specified in sub-clause (iii) of clause (b) of section 5;

(iv) deploy staff on contract or on deputation basis to the posts in the National Authority;

(v) formulate proposals for creation of posts in the National Authority at the level of Assistant Inspector General of Forests and other officers;

(vi) invest surplus amounts available in the National Fund;

(vii) execute other day-to-day work in respect of receipt of amounts in the National Fund;

(viii) maintain books of account and such other records;

(ix) facilitate scientific, technological and other assistance that may be required by State Authorities;

(x) present its decisions to the governing body of the National Authority for information;

(xi) maintain and update a public information system on the National Authority and present all information on its transaction in the public domain;

(xii) undertake any other work as may be assigned by the governing body of the National Authority or the Central Government, from time to time.

(2) The executive committee of the National Authority shall meet at least once in every three months.

Functions of
Monitoring Group.

16. (1) The monitoring group shall—

(i) evolve independent system for concurrent monitoring and evaluation of the works implemented in the States and Union territories utilising the funds released by the National Authority and State Authorities to ensure effective and proper utilisation of funds by utilising the services of the regional offices, of the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided that the Central Government may also undertake third party monitoring and evaluation of the works implemented in the States and Union territories utilising the funds released by the National Authority and State Authorities through individual and institutional experts including remote sensing agencies;

(ii) inspect and undertake financial audit of works executed by utilising the funds released by the National Authority and State Authorities in the State and Union territories;

(iii) devise measures for transparency and accountability.

(2) The monitoring group shall meet at least once in three months.

Powers and
functions of State
Authority.

17. (1) The governing body of a State Authority shall—

(i) lay down the broad policy framework for the functioning of such State Authority within the overall framework notified by the Central Government on the recommendations of the National Authority;

(ii) review the working of the State Authority from time to time.

(2) The governing body of a State Authority shall meet at least once in six months.

(3) The governing body, steering committee and executive committee of a State Authority shall meet at such places and shall observe such rules and procedures in regards to transaction of business at its meeting, including the quorum thereat, as may be prescribed.

18. (1) The steering committee of a State Authority shall—

Powers and functions of Steering committee of State Authority.

(i) scrutinise and approve with such amendments as it may deems fit and proper the annual plan of operations prepared by the executive committee of such State Authority and send the same to the executive committee of the National Authority for final approval;

(ii) monitor the progress of the utilisation of funds released from the State Fund;

(iii) review reports on decision taken by executive committee including investment decisions;

(iv) approve, subject to prior concurrence of the State Government, proposals formulated by the executive committee for creation of posts in the State Authority;

(v) approve annual report of the State Authority and send the same to the State Government to lay it, each year, in each House of the State Legislature;

(vi) ensure inter-departmental coordination.

(2) The steering committee of a State Authority shall meet at least once in every three months.

19. (1) The executive committee of a State Authority shall—

Functions and powers of Executive Committee of State Authority.

(i) formulate and submit annual plan of operations to the steering committee of the State Authority for its concurrence;

(ii) undertake qualitative and quantitative supervision, monitoring and evaluation of the works being implemented from amounts available in the State Fund;

(iii) invest surplus amounts available in the State Fund of such State;

(iv) maintain books of account and other records;

(v) submit reports to the steering committee of the State Authority;

(vi) prepare annual report of the State Authority;

(vii) deploy staff on contractual basis or on deputation to the posts in the State Authority;

(viii) formulate proposals for creation of posts in the State Authority;

(ix) be responsible for delegation of financial or administrative powers;

(x) be responsible for other day-to-day working in respect of the State Authority;

(xi) maintain and update public information system on the State Authority and present all information on its transaction in the public domain;

(xii) undertake any other work as may be assigned by the governing body or steering committee of the State Authority or the State Government, from time to time.

(2) The executive committee of a State Authority shall meet at least once in every three months.

CHAPTER V

FINANCE, ACCOUNTS, AUDIT AND ANNUAL REPORT

20. (1) The National Authority shall prepare its budget for the next financial year, showing the estimated receipts and expenditure of the National Authority and forward the same to the Central Government, in such form and at such time in each financial year as may be prescribed.

Budget of National Authority.

(2) The National Authority, shall adopt financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the National Authority as may be prescribed.

Investment of funds by National Authority.

21. The National Authority may invest its funds, including any reserve fund, in the securities of the Central Government and in scheduled banks in such manner as may be prescribed:

Provided that the grants received from the Central Government shall not be invested and shall be utilised for the purposes and in the manner attached to it.

Accounts and audit of National Authority.

22. (1) The National Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the National Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the National Authority to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any other person appointed by him in connection with the audit of the accounts of the National Authority shall have the same right and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the National Authority.

(4) The accounts of the National Authority as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the National Authority.

(5) The Comptroller and Auditor-General shall, within a period of six months from the date of commencement of the Act, audit the accounts of the all monies collected by the State Governments and Union territory Administrations, which has been placed under the *ad hoc* Authority and deposited in the nationalised banks and submit the report to the Central Government under this section.

(6) The Central Government shall have the power to conduct the special audit or performance audit of the National Fund and of the National Authority through the Comptroller and Auditor-General.

Annual report of National Authority.

23. (1) The National Authority shall prepare, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government, in such form and at such time, for each financial year, as may be prescribed.

(2) The annual report shall, *inter alia*, provide for—

(i) the summary of monitoring and evaluation of activities undertaken from amounts released from the National Fund and State Funds during the year;

(ii) the summary of specific schemes specified in sub-clause (iii) of clause (b) of section 5 executed during the year;

(iii) the amount of money received and expended.

Annual report and audit report of National Authority to be laid before Parliament.

24. The Central Government shall cause the annual report and audit report together with a memorandum of action taken on the recommendations contained therein to be laid as soon as may be after the reports are received before each House of Parliament.

25. (1) Each State Authority shall prepare its budget for the next financial year, showing the estimated receipts and expenditure of the State Authority and forward the same to the State Government, in such form and at such time, in each financial year, as may be prescribed.

Budget of State Authority.

(2) Each State Authority shall adopt financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the State Authority as may be prescribed.

26. State Authority may invest funds available in the State Fund of such State in the securities of the Central Government and in scheduled banks in such manner as may be prescribed:

Investment of funds by State Authority.

Provided that the grants received from the State Government shall not be invested and shall be utilised for the purpose and in the manner prescribed.

27. (1) Each State Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

Accounts and audit of State Authority.

(2) The accounts of each State Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Authority to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any other person appointed by him in connection with the audit of the accounts of the State Authority shall have the same right and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, other documents and papers and to inspect the office of the State Authority.

(4) The Accounts of the State Authority as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the State Government by the State Authority.

(5) The Comptroller and Auditor-General shall, within a period of six months from the date of commencement of the Act, audit the accounts of all the monies which have been transferred by the *ad hoc* Authority to the State Compensatory Afforestation Fund Management and Planning Authorities constituted in the States in compliance of guidelines dated the 2nd July, 2009 and submit the report to the State Government under this section.

(6) The Central Government and the State Government concerned shall have the power to conduct the special audit or performance audit of the State Fund and of the State Authority through the Comptroller and Auditor-General.

28. (1) Each State Authority shall prepare its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the concerned State Government, in such form and at such time, for each financial year, as may be prescribed.

Annual report of State Authority.

(2) The annual report of a State Authority shall, *inter alia*, provide for—

(i) the number and location of each reforestation, afforestation and conservation activity subject to the requirement of this section;

(ii) the amount and location of lands in hectares, cleared, conserved and planted in connection with the activity; and

(iii) the amount of afforestation money collected and expended.

Annual report and audit report of State Authority to be laid before State Legislature.

29. The State Government shall cause the annual report and the audit report together with a memorandum of action taken on the recommendations contained therein to be laid as soon as may be after the reports are received before each House of the State Legislature:

Provided that in case of a Union territory having no legislature, the Central Government shall cause the annual report and the audit report together with a memorandum of action taken on the recommendations contained therein to be laid as soon as may be after the reports are received before each House of the Parliament.

CHAPTER VI

MISCELLANEOUS

Power to make rules.

30. (1) The Central Government in consultation with the State Governments may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the management of the National Fund by the National Authority under sub-section (2) of section 3;

(b) the management of State Fund by the State Authorities under sub-section (2) of section 4;

(c) the manner of using the money for purposes specified in clause (b) of section 6;

(d) the manner of utilising the money for purposes specified in clause (c) of section 6;

(e) the manner of payment of the salary and allowances payable to the officers and other employees of the State Authority under clause (f) of section 6;

(f) the accounting procedure regulating the manner of crediting the monies to the National Fund and State Funds under section 7;

(g) the terms of office and other conditions of the service of the members of the National Authority, executive committee, monitoring group, Chief Executive Officer and officials appointed by the National Authority, members of State Authority, steering committee and executive committee of each State Authority under section 12;

(h) the rules and procedures in respect of the transaction of business of the governing body and executive committee of the National Authority and monitoring group of the National Authority and the place of meeting, including the quorum under sub-section (3) of section 14;

(i) the rules and procedures in respect of the transaction of business of the governing body, steering committee and executive committee of a State Authority and the place of meeting, including the quorum under sub-section (3) of section 17;

(j) the preparation of the budget of the National Authority under sub-section (1) of section 20;

(k) the financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the National Authority under sub-section (2) of section 20;

(l) the investment of the funds of the National Authority under section 21;

(m) the maintenance of the accounts and other relevant records and preparation of an annual statement of accounts by the National Authority under sub-section (1) of section 22;

(n) the preparation of the annual report by the National Authority under sub-section (1) of section 23;

(o) the preparation of the budget of the State Authority under sub-section (1) of section 25;

(p) the financial regulation and procedures, in particular the procedure for drawing up and implementing the budget of the State Authorities under sub-section (2) of section 25;

(q) the investment of funds by the State Authorities under section 26;

(r) the maintenance of the accounts and other relevant records and preparation of annual statement of accounts by each State Authority under sub-section (1) of section 27;

(s) the preparation of the annual report by the State Authorities under sub-section (1) of section 28; and

(t) any other matter which is required to be, or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

31. (1) On and from the date of constitution of the National Authority—

(i) all the assets and liabilities of the *ad hoc* Authority shall stand transferred to, and vested in, the National Authority;

Transfer of
assets, liabilities,
etc.

Explanation.—The assets of the *ad hoc* Authority shall be deemed to include all rights and powers, all properties, whether movable or immovable, including in particular, cash balances, deposits, and all other interests and rights in, or arising of, such properties as may be in the possession of the *ad hoc* Authority and all books of account and other documents relating to the same, and liabilities shall include all debts, liabilities and obligations of whatever kind;

(ii) without prejudice to the provisions of clause (i), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the *ad hoc* Authority immediately before constitution of the National Authority, for or in connection with the purpose of the *ad hoc* Authority, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the National Authority;

(iii) all sums of money due to the *ad hoc* Authority immediately before constitution of the National Authority shall be due to the National Authority;

(iv) all suits and legal proceedings instituted or which could have been instituted by or against the *ad hoc* Authority may be continued or may be instituted by or against the National Compensatory Authority.

(2) On and from the date of constitution of a State Authority—

(i) all the assets and liabilities of the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 shall stand transferred to, and vested in, the State Authority.

Explanation.—The assets of the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 shall be deemed to include all rights and powers, all properties, whether movable or immovable, including in particular, cash balances, deposits, and all other interests and rights in, or arising of, such properties as may be in the possession of the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 and all books of account and other documents relating to the same, and liabilities shall include all debts, liabilities and obligations of whatever kind;

(ii) without prejudice to the provisions of clause (i), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 before this Act came into force, for or in connection with the purpose of the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the State Authority;

(iii) all sums of money due to the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 before constitution of the State Authority shall be due to the State Authority;

(iv) all suits and legal proceedings instituted or which could have been instituted by or against the State Compensatory Afforestation Fund Management and Planning Authority constituted in such State in compliance of guidelines dated the 2nd July, 2009 may be continued or may be instituted by or against the State Authority.

Validation.

32. (1) Notwithstanding anything contained in any judgment, decree or order of any court, the amount credited to the National Fund shall be deemed to be credited and shall always be deemed to have been credited to the public account of India within the meaning of articles 266 and 283 of the Constitution, and it shall be regulated by law made by Parliament in this behalf.

(2) Notwithstanding anything contained in any judgment or order of any court, all the monies collected by the State Governments and the Union territory Administrations which has been placed under the *ad hoc* Authority and deposited in the nationalised banks and the interest accrued thereon shall stand transferred to the National Fund.

(3) Notwithstanding anything contained in any judgment or any order of any court, the amount credited to the State Fund shall be deemed to be credited and shall always be deemed to have been credited to the public account of the State within the meaning of articles 266 and 283 of the Constitution, and it shall be regulated by law made by the State Legislature in this behalf.

Power of Cent
Government to
issue direction

33. (1) The Central Government may, if it finds necessary or expedient in the public interest, issue such policy directives to the National Authority or any State Authority, in writing and such policy directives shall be binding upon the National Authority or the State Authority, as the case may be.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

CORRIGENDA

In the Appropriation Acts (Repeal) Act, 2016, (No. 22 of 2016) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 9th May, 2016 (Issue No. 25),—

Page No.	Column	Line(s) No.	For	Read
8	3	3	The Appropriation (Railways) (Vote on Account) Act, 1972	The Appropriation (Railways) Vote on Account Act, 1972
10	3	51	The Appropriation No. 3 Act, 1983	The Appropriation (No. 3) Act, 1983
10	3	52	The Appropriation No. 4 Act, 1983	The Appropriation (No. 4) Act, 1983
11	3	15	The Appropriation (Vote on Account) 1985	The Appropriation (Vote on Account) Act, 1985

THE INDIAN MEDICAL COUNCIL (AMENDMENT) ACT, 2016

(No. 39 OF 2016)

[4th August, 2016.]

AN

ACT

further to amend the Indian Medical Council Act, 1956.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Medical Council (Amendment) Act, 2016.

Short title and commencement.

(2) It shall be deemed to have come into force on 24th May, 2016.

102 of 1956.

2. After section 10C of the Indian Medical Council Act, 1956 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of new section 10D.

“10D. There shall be conducted a uniform entrance examination to all medical educational institutions at the undergraduate level and post-graduate level through such designated authority in Hindi, English and such other languages and in such manner as may be prescribed and the designated authority shall ensure the conduct of uniform entrance examination in the aforesaid manner:

Uniform entrance examination for undergraduate and post-graduate level.

Provided that notwithstanding any judgment or order of any court, the provisions of this section shall not apply, in relation to the uniform entrance examination at the undergraduate level for the academic year 2016-17 conducted in accordance with any regulations made under this Act, in respect of the State Government seats (whether in Government Medical College or in a private Medical College) where such State has not opted for such examination.”.

3. In section 33 of the principal Act, after clause (ma), the following clause shall be inserted, namely:—

Amendment of section 33.

“(mb) the designated authority, other languages and the manner of conducting of uniform entrance examination to all medical educational institutions at the undergraduate level and post-graduate level;”.

Ord. 4 of 2016.

4. (1) The Indian Medical Council (Amendment) Ordinance, 2016 is hereby repealed.

Repeal and savings.

102 of 1956.

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Medical Council Act, 1956 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.

DR. G NARAYANARAJU,
Secretary to the Govt. of India.